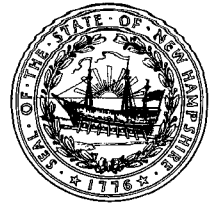




The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

**LETTER OF DEFICIENCY  
WET 06-063**

June 27, 2006

Joyce and Richard LaPorte  
755 Hurd Pond Rd.  
Newport, NH 03773

RE: DES Wetlands File #2005-01155 Hurd Pond Rd, Unity

Dear Mr. and Mrs. Laporte:

On March 23, 2006, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Unity Tax Map 13 as Lot K5-215-3 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Env-Wt 100-800.

During the inspection the following deficiencies were documented:

1. Two intermittent streams have been impacted as the result of the construction of ponds;

Stream #1: Approximately 70 linear feet of stream channel was dredged to construct a pond. Approximately 3,000 square feet of wetland adjacent to the stream was also dredged. A culvert was installed upstream of the pond, filling approximately 400 square feet of stream channel.

Stream #2: Approximately 100 linear feet of stream channel was dredged to construct a 8,000 square feet pond. A culvert for a crossing was installed upstream, impacting approximately 300 square feet of stream channel.

2. Approximately 5,000 square feet of forested wetland has been grubbed to create a lawn surrounding the ponds.

3. Portions of both stream channels had been dredged upstream and downstream of the culvert installations. The dredged stream channel had been left unstable and was eroding, resulting in sediment deposition downstream.

In response, you are requested to take the following actions:

1. **Within 14 days** of the date of this Letter of Deficiency, hire a certified wetland scientist to prepare a restoration plan and submit a Standard Dredge and Fill permit application to potentially retain a pond. Submit written documentation to DES as to the name and address of the certified wetland scientist.
2. **Within 45 days** of the date of this Letter of Deficiency, submit a restoration plan (including the permit application) to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for restoring the impacts to all jurisdictional areas on the Property. Submit the following with the restoration plan:

- a. A plan with dimensions, drawn to scale, showing:
  1. Existing conditions, with wetland boundaries; and
  2. Proposed conditions after reestablishing the jurisdictional areas;
- b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
- c. A detailed description of the proposed planting plan for the stabilization and revegetation of the bank utilizing native bank stabilizing shrub species;
- d. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
- e. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date;
- f. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project.

3. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.

4. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.


Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Dawn Buker, Compliance Specialist  
Wetlands Bureau  
Department of Environmental Services  
29 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Dawn Buker at (603) 271-4066.

Sincerely,

  
Collis G. Adams, CWS  
Administrator  
Wetlands Bureau

CERTIFIED MAIL 7000 1670 0000 0585 4935

cc: Rene Pelletier, Asst. Director, Water Division  
Gretchen R. Hamel, Administrator, DES Legal Unit  
Unity Conservation Commission  
Unity Board of Selectmen  
USACOE